

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DEWON WISE

Plaintiff,

-against-

LEXIA TRANSPORTATION & BUS CO.,
INC. AND JOHN MARZO,

Defendants.

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AMON, United States District Judge:

NOT FOR PUBLICATION
MEMORANDUM & ORDER
19-CV-4347 (CBA) (PK)

On July 29, 2019, Plaintiff Dewon Wise commenced this action against Defendants Lexia Transportation & Bus Co., Inc. and John Marzo. (See generally ECF Docket Entry (“D.E.”) # 1.) Wise brought claims pursuant to the Fair Labor Standards Act, the New York Labor Law, and the New York Minimum Wage Act. (Id.) On August 3, 2020 the parties filed a Motion for Settlement Approval. (D.E. # 19.) I respectfully referred that motion to the Honorable Peggy Kuo, United States Magistrate Judge. (Order dated Aug. 4, 2020.) Judge Kuo then conducted a fairness hearing pursuant to Cheeks v. Freeport Pancake House, Inc., 796 F.3d 199 (2d Cir. 2015). (Minute Entry dated Aug. 14, 2020.) Wise filed his counsel’s time sheets and a signed copy of the settlement agreement for Judge Kuo’s review. (D.E. ## 20, 21.) On September 15, 2020, Judge Kuo issued a report and recommendation (“R&R”) recommending that the proposed settlement agreement be approved, based on her finding “that the settlement amount is fair and reasonable in light of the risks involved in proving Plaintiff’s case and Defendants’ ability to pay, that the release is not overly broad, and that the attorneys’ fees are reasonable.” (R&R dated Sept. 15, 2020.)

No party has objected to Judge Kuo's recommendation, and the time for doing so has passed. See 28 U.S.C. § 636(b)(1). When deciding whether to adopt an R&R, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). To accept those portions of an R&R to which no timely objection has been made, "a district court need only satisfy itself that there is no clear error on the face of the record." Jarvis v. N. Am. Globex Fund, L.P., 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (internal quotation marks and citation omitted).

I have carefully considered the record and, finding no error, I adopt Judge Kuo's recommendation and approve the proposed settlement agreement. Because the filed stipulation of dismissal was signed only by counsel for Defendants, (see D.E. #21), the parties are directed to file a stipulation of dismissal signed by counsel for all parties.

SO ORDERED.

Dated: October 2, 2020
Brooklyn, New York

/s/ Carol Bagley Amon
Carol Bagley Amon
United States District Judge